

**REMARKS**

Claims 1-25 are cancelled, without prejudice or disclaimer. New claims 26-205 are added to clearly set forth the nature of the claimed invention (see specification at page 18, Table 2, for a summary of differential expression of the TSAP 9-22 and TSIP 3 genes). The foregoing amendments do not introduce new matter to the application, so entry thereof by the Examiner is respectfully requested.

In responding to the restriction requirement set forth in the May 8<sup>th</sup> Office Action, Applicants provisionally elect Group 13, claims directed to an isolated DNA molecule encoding TSAP 21, denoted SEQ ID NO:13, a vector comprising TSAP 21 DNA, and a host cell transformed by such vector. This election is made with traverse and without prejudice to Applicants' right to pursue the non-elected claims in one or more divisional applications. Below are the reasons for traversing the election of Group 13.

The Examiner bases lack of unity of invention on the supposition that the inventions "lack the same or corresponding special features" for various reasons stated in the May 8<sup>th</sup> Office Action (Paper No. 8). Hence, the Examiner restricted the present invention into 80 groups of invention. Unity of invention regarding an international application is governed by PCT Rule 13.

New claims directed to TSAP 9, TSAP 10, TSAP 13-15, TSAP 21-22 and TSIP 3 genes all share the same special technical feature, as their "expression is activated by transfectants selected from the group consisting of p21 transfectants, TSAP-3 transfectants, and anti-sense p21 transfectants" (see claims 28, 40, 76, 88, 100, 172, 184, and 196). The above-mentioned new claims possess unity of invention according to PCT Rule 13.1 because the same special technical feature is common to all of these claims. Accordingly, all claims directed to TSAP 9, TSAP 10, TSAP 13-15, TSAP 21-22, and TSIP 3 genes should be examined together. Applicants respectfully request the Examiner to reconsider the restriction of claims directed to to TSAP 9, TSAP 10, TSAP 13-15, TSAP 21-22, and TSIP 3 genes.

In addition, the standard for international applications is stated clearly in PCT Rule 13.2 and in Annex B, Part I, of the PCT. See M.P.E.P., page A1-60 (revised August 2001).

Example 17 of the Annex states:

Claim 1: Protein X

Claim 2: DNA sequence encoding protein X.

Expression of the DNA sequence in a host results in the production of a protein which is determined by the DNA sequence. The protein and the DNA sequence exhibit corresponding special technical features. Unity between claims 1 and 2 is accepted.

The special technical feature exhibited between the DNA and protein exists because the protein "is determined by the DNA sequence."

For example, claim 170 recites an isolated DNA molecule encoding TSAP 21 protein ("DNA sequence encoding protein X"). Claim 178 recites a TSAP-21 protein ("Protein X"). This situation is precisely what is described in Example 17. Accordingly, the restriction of claims directed to TSAP 21 protein is improper. The same scenario applies to TSAP 9, TSAP 10, TSAP 13-15, TSAP 22, and TSIP 3

In view of the foregoing arguments, Applicants respectfully request that the Examiner withdraw the present requirement that certain claims of the current application be restricted from other claims during examination.

**CONCLUSION**

In view of the foregoing remarks, Applicants urge that the present claims are in condition for examination on the merits. Receipt of the initial Office Action on the merits is awaited. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the telephone number shown below.

If there are any fees due in connection with the filing of this Response, please charge the fees to Deposit Account No. 19-0741. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to the above-mentioned Deposit Account.

Respectfully submitted,

Date

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